



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3940 of 2022

1. Annadurai,

2. S.Deepa, ... Petitioners/Accused Nos. 2 & 4

Vs

THE STATE REP BY,
The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
(Cr.No.368/2021).

... Respondent/Complainant

For Petitioner : Mr.R.Anand , Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

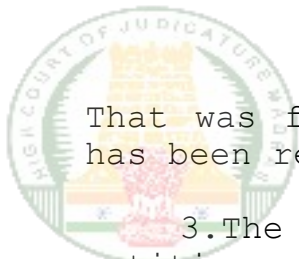
PRAYER :-

For Anticipatory bail in Crime No.368 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 and 353 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.368 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the police party went to the place of occurrence, on seeing them a Tractor along with Trailer bearing Registration Nos.65-U-9939 and TN-65-D-9362 fled away from the place without stopping even after signalling to stop.



That was followed by the police team. Based upon which, the case has been registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the A1 and A3 were already granted anticipatory bail by this Court in CrI.O.P.(MD)No.19996 of 2021, dated 15.12.2021.

4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the tractor was coming after unloading the river sand and that the petitioners are having no previous case.

5.Considering the nature of the allegation levelled against the petitioners and also the facts that A1 and A3 were granted anticipatory bail by this Court and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/02/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

ORDER
IN
CRL OP(MD) No.3940 of 2022
Date :28/02/2022

PKP/VR/SAR-3/09.03.2022/3P/5C